

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLARISSA MALIGA,

No. C 06-0167 SBA

Plaintiff,

v.

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED FOR
LACK OF JURISDICTION**

UNIVERSITY OF SAN FRANCISCO, et al.,

Defendants.

On November 3, 2005, Plaintiff Clarissa Maliga ("Plaintiff") filed a complaint against defendant University of San Francisco ("Defendant") in the Superior Court of the State of California, County of San Francisco. Plaintiff's complaint alleges two causes of action against Defendant: (1) gender discrimination in violation of California Government Code § 12940; and (2) retaliation in violation of California Government Code § 12940.

On January 10, 2006, Defendant removed the instant action to this Court on the basis of federal question jurisdiction. Defendant alleges that Plaintiff's causes of action arise under federal law. Specifically, Defendant contends that Plaintiff's claims are cognizable under Title VII of the Civil Rights Act. While this may be true, it is commonly recognized that the plaintiff is the master of her own lawsuit. *Duncan v. Stuetzle*, 76 F.3d 1480, 1485 (9th Cir. 1996). Accordingly, even when a plaintiff can maintain a claim on both state and federal grounds, she is entitled to ignore the federal question and assert only the state law claims. *Id.* Further, the removal statute is to be strictly construed against removal and any doubt is resolved in favor of remand. *Id.* As the removing party, Defendant bears a heavy burden of establishing subject matter jurisdiction. *Id.*

Accordingly,

IT IS HEREBY ORDERED THAT on or before **February 1, 2006**, Defendant shall file a brief in this Court showing cause why the instant case should not be remanded for lack of subject matter jurisdiction. Defendant's brief shall not exceed seven (7) pages and shall specifically include relevant

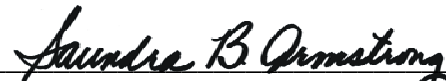
1 authorities in support of its removal.

2 IT IS FURTHER ORDERED THAT Plaintiff is granted leave to file a reply to Defendant's brief
3 **no later than February 10, 2006.** Plaintiff's brief is not to exceed seven (7) pages. Upon the filing of
4 Plaintiff's reply, the matter will be taken under submission and decided without oral argument, unless
5 the Court determines, after reviewing the parties' submissions, that argument would assist the Court.

6 IT IS FURTHER ORDERED THAT the parties are directed to immediately meet and confer
7 regarding this Court's Order to determine whether the issues identified in the Court's Order can be
8 resolved without the need for any further intervention by the Court.

9 IT IS SO ORDERED.

10
11 Dated: 1/ 23/06


Saundra Brown Armstrong
United States District Judge